

## Dodd Bill Limits Wiretapping To Police With a Court Order

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A new approach to the problem of wiretapping was proposed today by Senator Thomas J. Dodd.

The Connecticut Democrat introduced a bill that took a middle position on the issue. It would permit tapping in limited circumstances by Federal agents and local police, but it would outlaw all other wiretaps, official and private.

Present Federal law theoretically makes it a crime for anyone to intercept a telephone conversation and disclose the contents. The Government construes this to apply only when there is both tapping and disclosure, though the Supreme Court has not passed on this point.

In actual fact the present law is ineffectual. For many years the Attorney General has authorized limited wiretapping by Federal agents, and in states such as New York, there is widespread police wiretapping under state statutes even though those statutes have been held to be displaced by the Federal law.

State and local officials have felt free to ignore the Federal law for two reasons.

One is that the Justice Department has never prosecuted any law enforcement official for violating the Federal tapping law. There is no sign that it will.

The other is that the Supreme Court, though terming state wire-tapping a violation of Federal law, has nevertheless permitted transcripts of the tape to be admitted as evidence at state, though not Federal, trials. The court reaffirmed that position this term.

Senator Dodd's bill would bar all wiretap evidence from both state and Federal trials unless it had been obtained in accordance with the bill.

State and local law enforcement officers would be allowed to tap only if their state law permitted them to and only under a court order system. But unlike present New York law, which does not limit court orders, they would be confined to investigation of murder, kid-

napping, extortion, bribery, gambling and narcotics offenses.

On the Federal level, the Attorney General could authorize Federal agents to tap wires in cases of espionage, treason, sabotage, sedition and kidnapping. Or the agents could seek Federal court orders to tap in those crimes and murder, extortion, bribery, gambling, racketeering and narcotics.

Court orders for both Federal and state officers to tap would be limited to sixty days, with one extension of thirty days. No order could be issued unless the judge had reasonable ground to believe no other means was readily available to obtain evidence of the listed crimes.

Any officer applying for a court order would have to supply "a full and complete statement of the facts and circumstances." The order itself would have to specify the wires to be tapped, the crime involved and the identity of the officers authorized to tap.

All Federal and state judges would have to submit copies of all wiretapping applications made to them and of orders granting any applications. These would go to the administrative office of the United States court, which would summarize the material in an annual report to Congress.

Finally, the Dodd Bill would make either tapping or unauthorized disclosure of a tapped communication a crime. The maximum penalty would be two years in prison and a \$10,000 fine.

Senator Dodd said in a floor speech that an outright ban on all wiretapping was an unrealistic objective.

"The choice before us," he said, "is not whether there shall be wiretapping or no wiretapping but whether there shall be controlled wiretapping as I propose or indiscriminate, universal wiretapping as it exists today."

The Dodd Bill reflects some of the proposals made recently by a committee of the Association of the Bar of the City of New York. The committee was headed by Edwin L. Gasperini.